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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,410	12/04/2003	Michael Bret Hartmann	034043-002	9612

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,410

Applicant(s)

HARTMANN, MICHAEL BRET

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

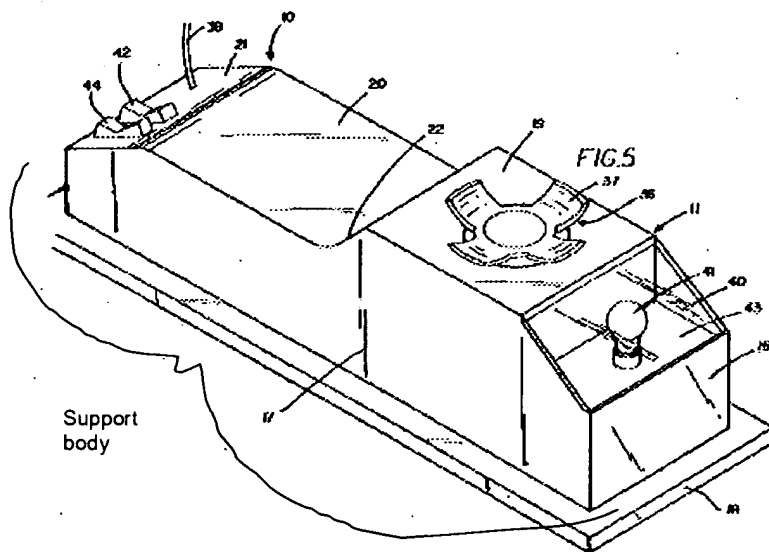
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This is the second office action for application number 10/729,410, Illuminated Jack Stand, filed on December 4, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-4 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by Simmonds '826.



Simmonds '826 discloses a jack stand (figure 5) comprising a support body (above), a vertically movable post (28,37) received within the support body, and a light source (41) mounted in the support body co-planar with one of the sides of the support body, wherein the light source is mounted in the body to illuminate at an upward angle

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from about 20-70 degrees from the horizontal, and from about 40-60 degrees from the horizontal (with reference to figure 5, the light source clearly illuminates from approximately -45 degrees to the horizontal through about 180 degrees, so the above mentioned ranges are clearly satisfied), wherein the stand includes a mechanism (23, 27, 35, etc.) for controlling the vertical height of the vertically movable post with respect to the support body, wherein the support body is "generally pyramidal shaped" (pyramidal is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as "an immaterial structure built on a broad supporting base and narrowing gradually to an apex," so the above support body is in fact "generally pyramidal shaped" since it is built on a broad base and narrows gradually to an apex which is the "highest point" of something).

Claim Rejections - 35 USC § 103

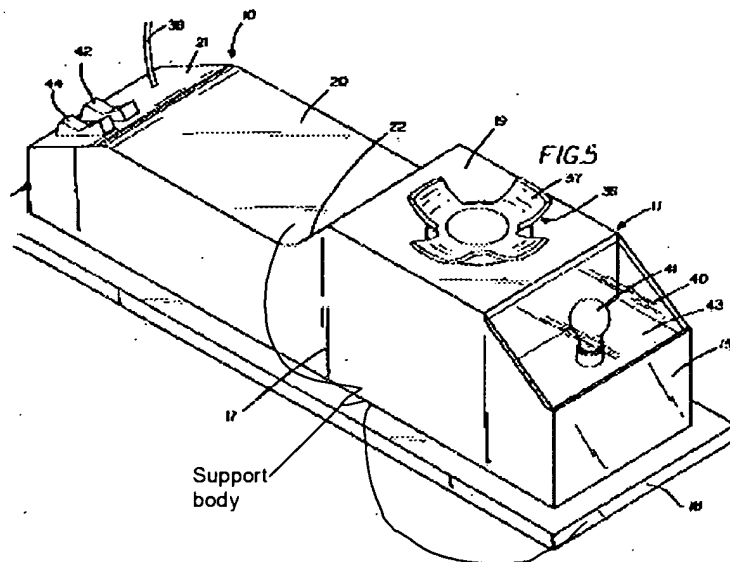
Claims 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent Application Publication number US 2003/0201704 to Camarota et al.

Regarding claims 7 and 8, Simmonds '826 teaches the previous invention wherein the light source is adjusted via a switch (42) mounted in the support body, but fails to specifically divulge the switch to be an adjustable dimmer switch.

However, Camarota et al. '704 teaches the use of dimmer switch (page 2, paragraph 23) to dim a light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the switch of Simmonds '826 with a dimmer switch as in Camarota et al. '704 since it is well known in the art that

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doing so can reduce electricity consumption in addition to allowing an operator to select a desired amount of illumination.



Further, regarding claim 9, Simmonds '826 alternatively teaches the support body to be as above, so the switch is in fact remote from the support body.

Further, regarding claim 12, Simmonds '826 teaches the previous invention failing to specifically teach the light source to be a halogen lamp. Nevertheless, Camarota et al. '704 teaches that halogen bulbs utilize less wattage than standard bulbs (page 2, paragraph 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a halogen bulb in Simmonds '826 as in Camarota et al. '704 so as to reduce electricity costs.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent number 5,381,009 to Brownell.

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Simmonds '826 teaches the previous invention failing to specifically reveal the jack stand to comprise a motion sensor for turning on and off the light source.

Regardless, Brownell '009 divulges the use of a motion sensor for turning on and off a light source since doing so reduces electric costs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a motion sensor with the jack stand of Simmonds '826 as in Brownell '009 so as to reduce electricity costs when the light source is not being utilized.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of Lonon '407.

Simmonds '826 teaches the previous invention failing to specifically reveal the light source to be adjustable such that the angle of the light source to the support body is adjustable. Nevertheless, Lonon '407 teaches a jack stand (figure 2) comprising a support body (2, 6, generally), a vertically movable post (2j) received within the support body, and a light source (15) mounted in the support body (via hinge, column 6, line 15, "in" is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as being "toward the inside," "near," or "at close quarters", so the light source is clearly in the support body), wherein the angle of the light source to the support body is adjustable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the light source of Simmonds '826 such that the angle of the light source to the support body is adjustable so as to provide for a more adjustable light source and device hence increasing the utility of the stand.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent number 4,872,230 to Levine.

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Simmonds '826 teaches the previous invention wherein the jack stand includes a power inlet (38, 39), but fails to specifically reveal the jack stand to further comprise a power outlet. However, Levine '230 teaches a jack stand (figure 1) including a power outlet (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the jack stand of Simmonds '826 so as to include a power outlet as in Levine '230 in order to increase the utility of the jack stand by providing power to other nearby devices or accessories plugged therein.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of Levine '230, and further in view of U.S. Patent number 6,722,635 to Erickson.

Simmonds '826 in view of Levine '230 teach the previous invention, wherein they inherently teach a method of providing illumination under a vehicle, comprising supporting a vehicle on a jack stand (that is the inherently purpose of the jack stand), but fail to specifically teach the method to comprise supporting a vehicle on a *plurality* of jack stands.

Nevertheless, Erickson '635 does in fact teach a method of supporting a vehicle on a plurality of jack stands (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have supported a vehicle on a plurality of jack stands as in Erickson '635 so as to provide for superior support of the vehicle hence providing for a safer workplace. Moreover, Simmonds '826 in view of Levine '230, and further in view of Erickson '635 further fail to specifically teach the power *outlet* of one jack stand to be connected to a power *inlet* from a second jack stand. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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connected the power *outlet* of one jack stand to a power *inlet* from a second jack stand since such connections would be conveniently located connections, in addition to the fact that most car cigarette lighter type outlets only comprise a single outlet and thus would only be able to power one jack stand.

Continuing, regarding claim 17, different jack stands would inherently have their light sources directed at different angles to the horizontal since, as previously discussed, each light source is directed through approximately 180 degrees.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of Levine '230, and further in view of Erickson '635, and further in view of U.S. Patent number 6,082,806 to Bogard.

Simmonds '826 in view of Levine '230, and further in view of Erickson '635 teach the previous invention failing to specifically teach instructions for setting forth the method of claim 16 hence defining a kit. Nevertheless, Bogard '806 teaches that it is well known to provide instructions for assembly hence defining kits (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided instructions setting forth the assembly of claim 16 hence defining a kit so as to aid an end user in the assembly/set-up/use of the jack stand and method of providing illumination under a vehicle.

Claims 1, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 6,443,413 to Hawkins in view of U.S. Patent number 6,676,096 to Hung.

Hawkins '413 discloses a jack stand (figure 3) comprising a support body (12) having a generally pyramidal shape, and a vertically movable post (28) received within

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the support body, wherein a mechanism for controlling the vertical height of the vertically movable post with respect to the support body is a ratchet (38). However, Hawkins '413 fails to specifically teach the jack stand to include a light source mounted in the support body co-planar with one of the sides of the generally pyramidal shaped support body.

Nevertheless, Hung '096 teaches the use of a jack stand including a light source (1, 2, 3, 20) mounted in a support body (101, generally, see figure 4) co-planar with one of the sides of the support body (1 is co-planar with the side of the support body). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a light source mounted in the body of the jack stand co-planar with one of the sides of the support body of Hawkins '413 (which would naturally be one of the sides of the pyramidal shaped support body) as in Hung '096 so as to provide a sufficient illuminating source so as to assure a safe operation of the jack stand.

Response to Arguments

Applicant's arguments filed February 8, 2005 have been fully considered but they are not persuasive.

Regarding the comments pertaining to the rejection and amendment of claim 1 on pages 8-9 of the response, the applicant never really makes any explicit statements about exactly which features of claim 1 the prior art fails to teach, but it appears the applicant is contending that the device of Simmonds '826 is a "jack" and not a "jack stand". A "jack stand" is alternatively a "stand for a jack," and certainly, the stand of Simmonds '826 *can function as* a "stand for a jack," and thus it is a "jack stand".

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Regarding the comments pertaining to the rejection and amendment of claim 16 on page 10 of the response, the applicant contends that Erickson fails to teach a method of using a plurality of jack stands. The Examiner disagrees. Similar to the above-mentioned argument, Erickson does in fact teach a method of using a plurality of jack stands since members (2) are in fact stands and can function as stands for jacks. Thus, the combination of Simmonds '826 in view of Levine '230, and further in view of Erickson '635 does in fact teach claim 16.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wen '675 teaches a stand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
March 9, 2005